

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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EDMOND SIMMONS,

Civil 08-0791 (JRT/RLE)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

WARDEN R. RIOS, *et al.*,

Defendants.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Raymond L. Erickson dated May 27, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. That the Plaintiff's Complaint [Docket No. 1] is dismissed, but without prejudice, for failure to comply with this Court's Order dated March 26, 2008, and for failure to prosecute.

2. That the Plaintiff's Application to proceed in forma pauperis [Docket No. 2] is denied, as moot.

Dated: July 3, 2008  
at Minneapolis, Minnesota

s/ John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge